



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,216	02/20/2001	Lee Codel Lawson Tarbotton	550-211	3943
23117	7590	03/29/2005	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/785,216	Applicant(s) TARBOTTON ET AL.	
	Examiner Longbit Chai	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 21 have been presented for examination. Claims 1,8 and 15 have been amended in an amendment filed 1/19/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 4, 7 – 11, 14 – 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold (Patent Number: 5440723).

As per claim 1, 8 and 15, Arnold teaches a computer program product comprising a computer program operable to control a computer to apply a plurality of anti computer virus tests to a target computer file, said computer program comprising:

- (i) virus scanning logic for detecting if said target computer file is infected with a computer virus (Arnold : see for example, Column 24 Line 44 – 45);
- (ii) virus cleaning and file repair logic for cleaning said target computer file by removing a detected computer virus from said target computer file (Arnold : see for example, Column 24 Line 47 – 48) and for repairing any changes caused by said

Art Unit: 2131

detected computer virus to said target computer file by reversing said changes (Arnold : see for example, Column 24 Line 51 – 53);

(iii) virus identifying logic for detecting whether or not said detected computer virus is of a type that can cause changes to said target computer file that cannot be reversed by said virus cleaning and file repair logic (Arnold : see for example, Column 24 Line 54 – 57); and

(iv) warning generating logic, responsive to said virus identifying logic detecting that said detected computer virus is of a type that can cause changes to said target computer file that cannot be reversed by said virus cleaning and file repair logic for generating a warning to a user that said target computer file may have suffered irreparable damage (Arnold : see for example, Figure 3 Element F, J & P and Column 24 Line 54 – 57).

As per claim 2, 9 and 16, Arnold teaches the claimed invention as described above (see claim 1, 8 and 15 respectively). Arnold further teaches virus scanning logic is responsive to a library of tests to detect different computer viruses, said library including data specifying which computer viruses can cause damage that cannot be repaired by said virus cleaning and repair logic (Arnold : see for example, Column 24 Line 43 – 53).

As per claim 3, 10 and 17, Arnold teaches the claimed invention as described above (see claim 2, 9 and 16 respectively). Arnold further teaches warning generating logic can generate one or more different types of warning to a user that said target

Art Unit: 2131

computer file may have suffered irreparable damage and said library includes data specifying which of said plurality of types of warning should be issued in response to a particular detected computer virus (Arnold : see for example, Column 24 Line 54 – 57).

As per claim 4, 11 and 18, Arnold teaches the claimed invention as described above (see claim 21, 8 an 15 respectively). Arnold further teaches warning to a user that said target computer file may have suffered irreparable damage includes an option to add a notification message into said target computer file (Arnold : see for example, Column 24 Line 13 – 14 and Figure 3 Element F, J & P).

As per claim 7, 14 and 21, Arnold teaches the claimed invention as described above (see claim 21, 8 an 15 respectively). Arnold further teaches upon detection of a target computer file infected with a computer virus that may have caused irreparable damage, said virus cleaning and repair logic presents a user with different options for further processing of said target file than if said target computer file were infected with a computer virus that only causes repairable damage (Arnold : see for example, Column 21 Line 25 – 27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 – 6, 12 – 13 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold (Patent Number: 5440723), in view of Waldin (Patent Number: 6094731).

As per claim 5, 12 and 19, Arnold teaches the claimed invention as described above (claim 4, 11 and 18 respectively). Arnold does not disclose expressly notification message includes authentication data identifying said target computer file into which it was inserted.

Waldin teaches notification message includes authentication data identifying said target computer file into which it was inserted (Waldin: see for example, Column 6 Line 65 – 67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Waldin within the system of Arnold because (a) Arnold teaches immunizing a computer system by automatically detecting and extracting a signature from a computer virus (Arnold : see for example, Column 2 Line 34 – 42) and (b) Waldin further teaches using the authentication and digital

Art Unit: 2131

signature techniques to handle virus infection situations (Waldin: see for example, Column 6 Line 50 – 67 and Column 7 Line 1 – 2).

As per claim 6, 13 and 20, Arnold teaches the claimed invention as described above (claim 4, 11 and 18 respectively). Arnold does not disclose expressly notification message includes an electronic signature applied by said warning generating logic.

Waldin teaches notification message includes an electronic signature applied by said warning generating logic (Waldin: see for example, Column 6 Line 50 – 56).

Same rationale applies here as above in rejecting the claim 5.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2131

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788.

The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LBC



Longbit Chai
Examiner
Art Unit 2131



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100